

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

<b>REBECCA DADISMAN, <i>et al.</i>,</b>	)	<b>CASE NO. 3:22-cv-00297</b>
	)	
<b>Plaintiffs,</b>	)	<b>JUDGE JEFFREY J. HELMICK</b>
	)	
<b>v.</b>	)	<b>MAG. JUDGE DARRELL A. CLAY</b>
	)	
<b>PETTISVILLE LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, <i>et al.</i>,</b>	)	<b>DEFENDANTS' MOTION FOR LEAVE TO FILE ITS ANSWER INSTANTER</b>
	)	
<b>Defendants.</b>	)	

NOW COME Pettisville Local School District Board of Education, Ken Boyer, Jason Waldvogel, Tori Jordan and Erinn Thompson (collectively, "Defendants"), by and through counsel, and moves this Court for Leave to file Its Answer Instanter. Defendants are requesting a one (1) week extension within which to file its Answer. Plaintiff's counsel has been contacted regarding this Motion and has indicated that there is no objection. A Brief in Support of this Motion is attached hereto and by reference incorporated herein.

Respectfully submitted,

/s/Robert J. McBride

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**BRIEF**

**Facts.**

Plaintiffs filed the Complaint in this matter on or about February 22, 2022. Defendants waived service and the answer date was established as May 16, 2022. Defendants are less than two (2) days overdue with its Answer and there has been no intention to delay. Defendants contacted Plaintiff's counsel regarding the request for Leave to File Answer and opposing counsel indicated that there was no objection to the Court granting the Motion For Leave.

**Law.**

The Federal Rules of Civil Procedure at 6(b) provide:

**EXTENDING TIME.**

- (1) *In General.* When an act may or must be done within a specified time, the court may, for good cause, extend the time . . . (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

The failure to timely file the Answer resulted from excusable neglect. Defendants have been working to determine the availability of insurance coverage. Moreover, there was a miscommunication within defense counsel's offices.

Plaintiffs will not be prejudiced and have no objection. This Motion is not filed for purposes of delay.

**Conclusion.**

The Defendants respectfully request leave to file their Answer Instantly.

Respectfully submitted,

/s/Robert J. McBride

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**CERTIFICATE OF SERVICE**

A copy of the foregoing has been filed via the Court's electronic filing system on May 18, 2022. Parties will be served by the Court in its normal manner.

/s/Robert J. McBride

Robert J. McBride